

Appl. No. 10/612,197
Atty. Docket No. AA537C
Amdt. dated June 12, 2006
Reply to Office Action of April 10, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-5, 8 and 10-12 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §103(a) Over Lassen (4,631,062)

Claims 1-5, 8 and 10-12 have been rejected under 35 USC §103(a) as being obvious in view of Lassen, U.S. Patent No. 4,631,062. This rejection is respectfully traversed because the Office Action has failed to set forth a *prima facie* case of obviousness.

Applicant agrees with the Office Action that Lassen does not disclose the specific dimensions of the claimed invention (Office Action, page 3). In addition, Applicant respectfully submits that the Office Action has failed to set forth evidence as to where in Lassen is a teaching or motivation to provide the claimed invention, such as, for example, an interlabial device with the claimed dimensions.

The Office Action has also failed to present any evidence showing that the claimed invention would perform the same as Lassen's device. In fact, the interlabial device as recited in Claim 1 has dimensions that enable the device to be held in place by the wearer's labia minora, labia majora, or both. This feature of the claimed device is in contradistinction to the device of Lassen, which is held in place by the wearer's undergarment. Although Lassen states that the pad does not require *attachment* to the wearer's anatomy or undergarments, (Col. 6, 11-16), Lassen does require an undergarment to provide a "biasing" force to hold the pad in the desired position. See, for example, Lassen, at Col. 6, lines 66-68 and Col. 17, lines 12-16.

Accordingly, because the Office Action fails to make a *prima facie* case of obviousness in accordance with M.P.E.P. 2143, Applicant respectfully requests that the rejection be withdrawn and that Claims 1-5, 8 and 10-12 be allowed.

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Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application and allowance of Claims 1-5, 8, and 10-12 is respectfully requested.

Respectfully submitted,

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By 

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